

Message Text

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ORIGIN ARA-14

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FM SECSTATE WASHDC

TO AMEMBASSY KINGSTON IMMEDIATE

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E.O. 11652:N/A

TAGS: SHUM, JM

SUBJECT:HUMAN RIGHTS REPORT - DRAFT

REF: STATE 018330

I. FOLLOWING IS DRAFT OF UNCLASSIFIED VERSION OF
HUMAN RIGHTS REPORT THAT MUST BE SUBMITTED TO CONGRESS
BY JANUARY 31. IT HAS BEEN CLEARED THROUGHOUT THE
DEPARTMENT. REQUEST EMBASSY COMMENTS ON THIS DRAFT
ASAP, BUT NO LATER THAN COB THURSDAY, JANUARY 26.

2. JAMAICA IS A PRACTICING PARLIAMENTARY DEMOCRACY WITH
POLITICAL INSTITUTIONS AND TRADITIONS ROOTED IN ENGLISH
COMMON LAW. IN THE DECEMBER 1976 NATIONAL ELECTIONS,
THE GOVERNMENT OF PRIME MINISTER MANLEY RETURNED TO
OFFICE WITH AN OVERWHELMING MAJORITY IN PARLIAMENT.
JAMAICA'S DOMESTIC HUMAN RIGHTS RECORD REFLECTS ITS
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GOVERNMENT'S AND PEOPLE'S COMMITMENT TO AN OPEN AND
FREE SOCIETY. MANLEY HAS REPEATEDLY DENOUNCED VIOLA-
TIONS OF HUMAN RIGHTS ABROAD. HE HAS SIGNED THE AMERICAN
CONVENTION ON HUMAN RIGHTS AND URGED HIS CARIBBEAN
COLLEAGUES TO DO LIKEWISE.

3. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING

FREEDOM FROM:

A. TORTURE

THERE HAVE BEEN NO REPORTS ALLEGING TORTURE BY THE JAMAICAN AUTHORITIES.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

THERE HAVE BEEN A FEW UNCONFIRMED CHARGES OF CRUEL OR DEGRADING TREATMENT OR PUNISHMENT. CONDITIONS WITHIN JAMAICAN PRISONS ARE RELATIVELY GOOD.

C. ARBITRARY ARREST OR IMPRISONMENT

PRE-ELECTION VIOLENCE IN 1976 PROMPTED THE PRIME MINISTER, WITH PARLIAMENT'S CONSENT, TO DECLARE A STATE OF EMERGENCY UNDER WHICH SECURITY AUTHORITIES WERE GRANTED BROAD POWERS OF SEARCH AND ARREST. THE STATE OF EMERGENCY CAME TO AN END JUNE 5, 1977. ALL PERSONS DETAINED UNDER ITS AUTHORITY HAVE EITHER BEEN CHARGED WITH CRIMES OR RELEASED. SINCE THAT TIME THERE HAVE BEEN NO CHARGES OF ARBITRARY ARREST OR IMPRISONMENT.

IN AN EARLIER EFFORT TO REDUCE VIOLENT CRIME, PARLIAMENT ENACTED THE GUN COURT ACT (1974) WHICH PROVIDED FOR LIMITED OFFICIAL USE

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IN CAMERA TRIALS AND INDEFINITE DETENTION. IN 1975, THESE PROVISIONS WERE FOUND UNCONSTITUTIONAL BY THE PRIVY COUNCIL SITTING IN LONDON AND WERE REPLACED WITH MANDATORY LIFE SENTENCES FOR PERSONS CONVICTED OF THE ILLEGAL POSSESSION OF FIREARMS. THE GOVERNMENT HAS RECENTLY ANNOUNCED ITS INTENTION TO "STREAMLINE" GUN COURT PROCEDURES, BUT AT PRESENT IT IS NOT CLEAR WHAT THIS WILL MEAN.

D. DENIAL OF FAIR PUBLIC TRIAL

PERSONS ACCUSED OF CRIMES ARE GIVEN A FAIR PUBLIC TRIAL.

E. INVASION OF THE HOME

THE SANCTITY OF THE HOME APPEARS TO BE RESPECTED.

4. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION

PRIME MINISTER MANLEY HAS PUBLICLY COMMITTED HIS GOVERN-

MENT TO A POLICY DESIGNED TO MEET THE NEEDS OF THE POOR BY "FEEDING THE HUNGRY." THE ABILITY OF THE GOVERNMENT TO IMPLEMENT THIS POLICY IS LIMITED BECAUSE OF THE SCARCITY OF AVAILABLE RESOURCES AND SEVERE ECONOMIC PROBLEMS.

5. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION, AND ASSEMBLY

JAMAICANS ARE FREE TO HOLD WHATEVER VIEWS THEY WISH AND TO EXPRESS THEIR BELIEFS OPENLY. THERE IS FREEDOM OF RELIGION. A RECENT WAVE OF VIOLENT CRIME PROMPTED LIMITED OFFICIAL USE

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THE GOVERNMENT, IN NOVEMBER 1977, TO ADOPT A SERIES OF MEASURES DESIGNED TO DEAL WITH THAT PROBLEM, INCLUDING A BAN ON ALL PUBLIC MEETINGS. IT IS TOO EARLY TO JUDGE THE FULL IMPACT OF THESE MEASURE. THE PRESS CONTINUES TO REPRESENT THE ENTIRE SPECTRUM OF POLITICAL BELIEFS. A GOVERNMENT BAN ON THE PRINTING OF INFLAMMATORY ARTICLES DURING THE 1976 ELECTION CAMPAIGN WAS IGNORED WITH IMPUNITY BY ONE OF KINGSTON S LEADING PAPERS. SOME SUPPORTERS OF PRIME MINISTER MANLEY ARE CALLING FOR MORE RETICENCE ON THE PART OF THE PRESS.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION

JAMAICANS ARE FREE TO MOVE WITHIN THE COUNTRY AND TO EMIGRATE. HOWEVER, CURRENCY CONTROL REGULATIONS WHICH ALLOW A JAMAICAN TRAVELER TO CARRY NO MORE THAN 50 JAMAICAN DOLLARS OUT OF THE COUNTRY HAVE CUT BACK THE NUMBER OF CITIZENS WHO CAN TRAVEL ABROAD.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

THE POLITICAL PROCESS IS CHARACTERIZED BY HOTLY CONTESTED FREE ELECTIONS AND LIVELY PARLIAMENTARY

DEBATE. LABOR UNIONS PLAY AN IMPORTANT ROLE IN JAMAICAS POLITICAL LIFE AND OPERATE FREELY.

6. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS.

IN OCTOBER 1976, AMNESTY INTERNATIONAL WROTE PRIME MINI-LIMITED OFFICIAL USE

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STER MANLEY URGING THAT PERSONS DETAINED UNDER THE STATE OF EMERGENCY BE TRIED OR RELEASED. MR. MANLEY HAS CALLED ATTENTION TO JAMAICA'S GOOD HUMAN RIGHTS RECORD AND IN APRIL 1977, HE INVITED AMNESTY TO VISIT JAMAICA FOR A THOROUGH HUMAN RIGHTS INVESTIGATION. THE AMNESTY INTERNATIONAL REPORT 1977 STATED ALL PERSONS HELD UNDER THE STATE OF EMERGENCY WERE RELEASED FOLLOWING ITS TERMINATION.

7. THIS IS NOT THE "FINAL APPROVED TEXT" MENTIONED REFTEL AND IS SUBMITTED FOR POST COMMENT ONLY. IT SHOULD NOT BE PROVIDED TO THE HOST GOVERNMENT. FINAL VERSION WILL BE SUBMITTED TO THE EMBASSY AFTER RECEIVING EMBASSY'S COMMENTS ON DRAFT. VANCE

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